

### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Felix D'Ambrosio on 2 May 2008.

Claim 20 is amended as follows:

20. (Currently amended) A device for IR-spectrometric analysis of a solid, liquid or gaseous medium, comprising:

a process probe, which has a reflection element which comprises a microprism;

a linear variable filter,

at least one detector element; and

a control/evaluation unit, wherein:

at least one radiation source is provided, whose electromagnetic radiation is coupled into said reflection element,

at least one waveguide is provided, having an input section and an output section;

said input section receives the electromagnetic radiation from said reflection element;

the electromagnetic radiation is conducted via the output section of said waveguide into at least one defined area of said linear variable filter;

said detector element receives the electromagnetic radiation from said linear variable filter;

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said detector element is arranged to be movable relative to said linear variable filter over essentially the length of said linear variable filter;

and said control/evaluation unit determines the spectrum of the medium on the basis of the measured values delivered from said detector element.

***Response to Amendment***

The amendment filed 34 March 2008 is entered.

***Allowable Subject Matter***

Claims 20-32 and 34-38 are allowed over the prior art of record.

The following is an examiner's statement of reasons for allowance:

As to claim 20, the prior art of record, taken alone or in combination, fails to disclose or render obvious a device for IR-spectroscopic analysis of a solid, liquid, or gaseous medium, comprising: a process probe, which has a reflection element which comprises a microprism, a linear variable filter, and at least one detector element, wherein said detector element receives the electromagnetic radiation from said linear variable filter, and said detector element is arranged to be movable relative to said linear variable filter over the essentially the length of said linear variable filter, in combination with the limitations of claim 20.

As to claim 21, the prior art of record, taken alone or in combination, fails to disclose or render obvious a device for IR-spectroscopic analysis of a solid, liquid, or gaseous medium, comprising: a process probe, which has a reflection element which comprises a microprism, and a linear variable filter, wherein at least one radiation source is provided, whose electromagnetic radiation is focused into at least one defined region of said linear variable filter, and the focused electromagnetic radiation coming from said radiation source is arranged to be movable relative to said linear variable filter over essentially the length of said linear variable filter, in combination with the limitations of claim 21.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRYAN GIGLIO whose telephone number is (571)270-1028. The examiner can normally be reached on M-F, 7:30AM-5:00PM EST, Alt. Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Toatley can be reached on (571)272-2059. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gregory J. Toatley, Jr./  
Supervisory Patent Examiner, Art Unit 2877  
6 May 2008

/B. G./  
Examiner, Art Unit 2877